



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,707	01/08/2004	Rebecca Beaman	112056-0162	6300
24267 7590 04/05/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER WILSON, YOLANDA L	
			ART UNIT	PAPER NUMBER
			2113	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/753,707

Applicant(s)

BEAMAN ET AL.

Examiner

Yolanda L. Wilson

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12,15-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Heitman et al. (US Publication Number 20030149763A1). As per claim 1, Heitman et al. discloses initiating a configuration verification program on at least one client (on page 13, paragraph 0194) to determine: (i) versions of components of the storage environment on page 1, paragraph 0016; page 12, paragraph 0187; page 21, paragraph 0336; (ii) configuration settings of components of the storage environment on page 15, paragraphs 0228,232; and (iii) if one or more components of the storage environment have failed on pages 5-6, paragraph 0068; and presenting a report to a user identifying a set of warnings and errors with the configuration of the storage environment on pages 5-6, paragraph 0068.
3. As per claim 2, Heitman et al. discloses wherein the step of initiating the configuration verification program comprises the step of entering a command line interface command on page 11, paragraph 0140.

Art Unit: 2113

4. As per claim 3, Heitman et al. discloses wherein components of the storage environment further comprise one or more storage systems on page 12, paragraph 0187.
5. As per claim 4, Heitman et al. discloses wherein components of the storage environment further comprise one or more clients on page 12, paragraph 0187.
6. As per claim 5, Heitman et al. discloses wherein components of the storage environment further comprise one or more network switches on page 12, paragraph 0187.
7. As per claim 6, Heitman et al. discloses wherein components of the storage environment further comprise one or more interconnecting cables joining other components on pages 5-6,12, paragraphs 0068,0187.
8. As per claims 7, Heitman et al. discloses the step of remotely accessing each of the storage system by the configuration verification program to determine the version of a storage operating system executing on the storage system on page 14, paragraph 00223.
9. As per claims 8, Heitman et al. fails to explicitly state wherein the step of remotely accessing each of the storage systems comprises the step of sending a remote application program interface command to the storage system on page 14, paragraph 0210. The command is provided by the agents sent to obtain the information.
10. As per claim 9, Heitman et al. discloses wherein the report further comprises a return code on pages 5-6, paragraph 0068. The return code is the finding of any errors.

Art Unit: 2113

11. As per claim 10, Heitman et al. discloses wherein the report further comprises a graphical representation of the configuration of the storage environment on page on pages 5-6, paragraph 0068. The information is seen through a GUI.

12. As per claim 11, Heitman et al. discloses wherein the graphical representation comprises representation of a version and current configuration of each component of the storage environment on pages 5-6, paragraph 0068.

13. As per claim 12, Heitman et al. discloses wherein an administrator initiates the configuration verification program on page 13, paragraphs 0194,0195.

14. As per claim 15, Heitman et al. discloses a configuration verification program executing on the client and adapted to determine versions of components of the storage environment on page 1, paragraph 0016; page 12, paragraph 0187; page 21, paragraph 0336; configuration settings of components of the storage environment on page 15, paragraphs 0228,232 and if one or more components of the storage environment have failed on pages 5-6, paragraph 0068.

15. As per claim 16, Heitman et al. discloses wherein the configuration verification program is further adapted to present a report to a user identifying a set of warnings and errors with the configuration of the storage environment on pages 5-6, paragraph 0068.

16. As per claim 17, Heitman et al. discloses wherein the report comprises a graphical representation of the current configuration of the storage environment on pages 5-6, paragraph 0068.

17. As per claim 18, Heitman et al. discloses a configuration verification program executing on the client and including means for determining versions of components of

Art Unit: 2113

the storage environment on page 1, paragraph 0016; page 12, paragraph 0187; page 21, paragraph 0336; means for determining configuration settings of components of the storage environment on page 15, paragraphs 0228,232; means for determining if one or more components of the storage environment have failed on pages 5-6, paragraph 0068; and means for presenting a report to a user identifying a set of warnings and errors with the configuration of the storage environment on pages 5-6, paragraph 0068.

18. As per claim 19, Heitman et al. discloses wherein the report comprises a graphical representation of the current configuration of the storage environment on pages 5-6, paragraph 0068.

19. As per claim 20, Heitman et al. discloses wherein the means for determining configuration setting of components comprises means for remotely logging into each of the components of the storage environments on pages 5-6, paragraph 0068.

20. As per claim 21, Heitman et al. discloses determining versions of components of the storage environment on page 1, paragraph 0016; page 12, paragraph 0187; page 21, paragraph 0336; determining configuration settings of components of the storage environment on page 15, paragraphs 0228,232; determining if one or more components of the storage environment have failed on pages 5-6, paragraph 0068; and presenting a report to a user identifying a set of warnings and errors with the configuration of the storage environment on pages 5-6, paragraph 0068.

21. As per claim 22, Heitman et al. discloses the step of remotely accessing one or more of the storage system to determine the version of a storage operating system executing thereon on page 14, paragraph 0223.

Art Unit: 2113

22. As per claim 23, Heitman et al. fails to explicitly state wherein the step of remotely accessing one or more of the storage systems comprises the step of sending a remote application program interface command to the storage system on page 14, paragraph 0210. The command is provided by the agents sent to obtain the information.

23. As per claim 24, Heitman et al. discloses one or more storage systems; one or more clients, at least one of the one or more client configured to execute a configuration verification program adapted to determine versions of one or more components of the storage environment on page 1, paragraph 0016; page 12, paragraph 0187; page 21, paragraph 0336; to configure setting of the one or more components of the storage environment on page 15, paragraphs 0228,232; and wherein the configuration verification program is further adapted to determine if any of the one or more components of the storage environment have failed on pages 5-6, paragraph 0068.

24. As per claim 25, Heitman et al. discloses wherein the configuration verification program is further adapted to present a report to a user identifying a set of warnings and errors with the configuration of the storage environment on pages 5-6, paragraph 0068.

25. As per claim 26, Heitman et al. discloses wherein the report comprises a graphical representation of the current configuration of the storage environment on pages 5-6, paragraph 0068.

26. As per claim 27, Heitman et al. discloses a client name field, the client name field to represent a name of the identified client; a client type field, the client type field to identify a type of system that the client comprises; and a client version field, the client

Art Unit: 2113

version field to identify a particular version of an operating system on pages 5-6, paragraphs 0068-0071 and on page 14, paragraph 0224.

27. As per claim 28, Heitman et al. discloses wherein the client version field further comprises a software version identity on pages 5-6, paragraphs 0068-0071 and on page 14, paragraph 0224.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heitman et al. in view of Brisse (US Publication Number 20030055932A1). As per claim 13, Heitman et al. fails to explicitly state the step of automatically correcting any of the set of warnings and errors detected.

Brisse discloses this limitation on page 4, paragraph 00456.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically correcting any of the set of warnings and errors detected. A person of ordinary skill in the art would have been motivated to have automatically correcting any of the set of warnings and errors detected because correcting of the error causes the topology of the storage network to be proper.

Art Unit: 2113

30. As per claim 14, Heitman et al. discloses further comprising the step of passing the warnings and errors to an expert system.

Brisse discloses this limitation on page 4, paragraph 0045. The expert system is wherein the recommendation to the resolution of the problem comes from.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have passing the warnings and errors to an expert system. A person of ordinary skill in the art would have been motivated to have passing the warnings and errors to an expert system because the expert system resolves the issue.

Claim Rejections - 35 USC § 101

31. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 18 recite 'a configuration program executing on the client'. These claims merely recite a program per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions. The system claim should contain a memory with the configuration verification program stored on it.

Claim Rejections - 35 USC § 112

32. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2113

33. Claim 23 recites the limitation "the step of remotely accessing the one or more storage systems". There is no previous recitation of this limitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

34. Claims 17,19,26 recite the limitation "the current configuration". There is no previous recitation of this limitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

35. Claim 27 recites the limitation "the identified client". There is no previous recitation of this limitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

Claim Objections

36. Claims 7,8 are objected to because of the following informalities: Claims 7,8 recite the limitation 'each of the storage systems'. These claims should read 'each storage system'. Appropriate correction is required.

Response to Arguments


37. Applicant's arguments filed 12/20/06 have been fully considered but they are not persuasive. Applicant argues on pages 7-9 that Heitman "...is silent concerning 'versions of components of the storage environment...'" Examiner respectfully disagrees. Please see the new page and paragraph numbers stated in the above rejection of the independent claims.

Art Unit: 2113

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yolanda L. Wilson
Examiner
Art Unit 2113